REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated April 2, 2008. Claims 1 through 46 are presently pending in the above-identified patent application. In this response, applicant proposes to amend claim 37. No additional fee is due.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims, i.e., claims 1 through 46, in a form that is believed allowable, and, in any event, in a better form for appeal. In particular, claim 37 has been amended in accordance with the Examiner's interpretation of the claim language. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner.

In the Office Action, the Examiner indicates that "computer readable medium" in claim 36 will be interpreted as "computer readable storage medium." The Examiner also rejected claims 1-46 under 35 U.S.C. §102(e) as being anticipated by Richton et al. (United States Patent Number 6,650,902).

Section 101

The Examiner indicates that "computer readable medium" in claim 36 will be interpreted as "computer readable storage medium."

Applicants note that claim 37 (not claim 36) is the article of manufacture claim. Applicants also note that claim 37 has been amended to change "computer readable medium" to "computer readable storage medium."

Independent Claims 36-39 and 43

Independent claims 36-39 and 43 were rejected under 35 U.S.C. §102(e) as being anticipated by Richton et al. Regarding claims 36-38, the Examiner asserts that Richton teaches receiving one or more rules (i.e. receiving airline info when within 2 miles of the airport, col. 3, lines 31-62) from an application (i.e. once the threshold, such as 5 miles from the airport, is triggered based upon the location of the wireless mobile unit 201, information is retrieved and modified and results of the expert system of IPA 330 are output from rule-based suggestion engine 600, formatted in element 650, and eventually

output in a data push process 660 to the wireless mobile unit 201, through location-based server 221, col. 13, lines 3-23); and sending (i.e. sending data back to the wireless mobile, col. 3, line 63, to col. 4, line 2) a trigger (i.e. alerting, col. 3, line 63, to col. 4, line 2) to said application based on said one or more rules (i.e. location-based controller 301 is, for example, a computer programmed to orchestrate location-based services, such as those involving sending data back to the wireless mobile unit 201 (examples of data sent including traffic alerting and location-based advertising)). Regarding claims 39 and 43, the Examiner asserts that Richton discloses reducing said one or more rules (locations at which services are to be performed, threshold positions/geographic relationships dictating when information is to be obtained, etc., are stored at location-based server 221, col. 7, line 64, to col. 8, line 6) based on subscribers associated with one or more of said nodes.

Applicants note that the Examiner has equated "receiving one or more rules" with "receiving airline info." Contrary to the Examiner's assertion, *airline information* is *not* equivalent to "one or more *rules*," as would be apparent to a person of ordinary skill in the art. Thus, Richton does *not* disclose or suggest *receiving one or more rules*.

Applicants also note that the Examiner has equated sending a trigger to an application with *sending data back to the wireless mobile (alert)*. A "trigger," however, is defined as "anything, as an act or event, that serves as a stimulus and initiates or precipitates a reaction or series of reactions." (See, dictionary.com) Contrary to the Examiner's assertion, Richton does *not* disclose or suggest that *sending data back to the wireless mobile (alert)* initiates a reaction or series of reactions. Thus, as would be apparent to a person of ordinary skill in the art, Richton does *not* disclose or suggest *sending a trigger to the application based on the one or more rules*.

Applicants also note that the Examiner has equated reducing said one or more rules with "locations at which services are to be performed, threshold positions/geographic relationships dictating when information is to be obtained." The present disclosure teaches, however, that:

> Each node can reduce the rules examined by the node by, for example, determining if the entity corresponding to a rule is not within a coverage region defined for the node or, as another example, whether no

> portion of a particular geographical region to which a rule corresponds is within the coverage region defined for the node. *In reduction situations, the reduced rules could, illustratively, be deleted or ignored.*
> (Page 2, lines 27-32; emphasis added.)

Applicants note that Richton does *not* disclose or suggest *reducing one or more rules* and does *not* disclose or suggest *reducing one or more rules based on subscribers associated with one or more nodes*. Independent claims 36, 37, and 38, as amended, require *receiving one or more rules* from an application; and *sending a trigger to said application* based on said one or more rules. Independent claims 39 and 43 require *receiving one or more rules* in one or more nodes; and *reducing said one or more rules based on subscribers* associated with one or more of said nodes.

Thus, Richton et al. do not disclose or suggest receiving one or more rules from an application; and sending a trigger to said application based on said one or more rules, as required by independent claims 36, 37, and 38, as amended, and does not disclose or suggest receiving one or more rules in a node; and reducing said one or more rules based on subscribers associated with one or more of said nodes, as required by independent claims 39 and 43.

Dependent Claims 1-35, 40-42 and 44-46

Dependent 1-35, 40-42, and 44-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Richton et al.

Claims 1-23, 24, 25-35, 40-42 and 44-46 are dependent on claims 36, 37, 38, 39, and 43, respectively, and are therefore patentably distinguished over Richton et al. because of their dependency from amended independent claims 36, 37, 38, 39, and 43 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims following entry of the amendments, i.e., claims 1-46, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

Date: May 30, 2008

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